

Department of Permitting and Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk
Theodore Miles, Zoning Specialist
Charlene Orton, DPI Administrator



MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Principal Planner
RE: ZP20-0667CA; 188 South Champlain Street
Date: ~~March 24, 2020~~ ~~April 14, 2020~~ ~~April 28, 2020~~ May 26, 2020, **June 23, 2020.**

File: ZP20-0667CA
Location: 188-192 South Champlain Street
Zone: RH **Ward:** 5S
Parking District: Neighborhood
Date application accepted: January 29, 2020
DAB First review: May 26, 2020
New Plans submitted: June 15, 2020
Applicant/ Owner: **Perras Properties LLC.**
Request: Convert single family to six units. Expanded parking. Request for a 6 space parking waiver.



New staff comments are in red.

Background:

188 South Champlain Street

- **Zoning Permit 20-0662LL**; Boundary Line Adjustment (merger) with 192 South Champlain Street. February 2020.
- **Zoning Permit 11-0204CA**; construct handicapped access ramp at rear of house. September 2010. [Property identified as a single family home on application, *with six roomers.*] September 2010.
- **Zoning Permit 79-268**; enclose porch to make a room with door to outside. No additional coverage. June 1979. [Property identified as a single family home.]
- **Zoning Permit application ZP CU-2003-049**; establish a 7-room boarding house in an existing single family home. Public hearing 6.17.2003; hearing opened and continued for more information. No subsequent public hearing identified, no project folder in zoning history files, no decision is recorded. Assumed withdrawn.
- **Zoning Permit n.n.**; erect a 8' x 14' wood storage shed in the rear yard. June 1978.
- **Zoning Permit 77-320**; erect a 15' x 6' rear open porch. September 1976.

192 South Champlain Street

- Zoning Permit 20-0663LL; Boundary Line Adjustment (merger) with 188 South Champlain Street.

Overview:

188 South Champlain Street has recently been merged with the empty lot at 192 South Champlain Street. The owner wishes to convert the existing single-family home to a 6 unit residential building. Although there was an application in 2003 by the same owner/family for a 7-bedroom boarding house, there is no project folder and no record of a decision. **Although the property may have been managed as a boarding house, there are no zoning approvals for that use. The project is under review as a single family home.**

Part 1: Land Division Design Standards

188 and 192 South Champlain Street have recently been merged (ZP20-0662LL and ZP20-0663LL)

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

There is a large maple tree on 192 South Champlain Street, which is proposed to be retained.

(b) Topographical Alterations:

A large parking area is proposed to be introduced on the (former) 192 parcel, although a permit for a handicap ramp at 188 South Champlain Street in 2011 referenced parking provided off-site. An Erosion Prevention and Sediment Control plan will be required for the proposed ground disturbance, **which includes creation of a swale west of the parking area**, and introduction of an

expanded parking area. Staff has provided information on preparing both Stormwater and Erosion Control plans.

(c) Protection of Important Public Views:

Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

188 South Champlain Street is listed on the Vermont State Register of Historic Resources. See Section 5.4.8, below.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource.

(f) Brownfield Sites:

The parcel is not listed on DEC's website as a Brownfield.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

The site work required to install the parking area will require a Stormwater and Erosion Control Plan. The revised project plans have been submitted to the City Stormwater Engineering program to review. Written approval of the plan will be a condition of any approval.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The applicant's revised plans indicate: With the reduction of parking to 6 spaces, this leaves a significant portion of the back yard as retained green space....there is plenty of room to accommodate the storage of snow. In the unlikely event that a large snowfall results in an [sic] overabundance of snow, the applicant will contract for snow removal immediately with a local service provider.

Building entrances are now proposed to be under cover of the newly designed common porch.

(h) Building Location and Orientation:

The existing building at 188 South Champlain will remain with no change to street orientation.

(i) Vehicular Access:

Vehicle access is proposed to continue through an existing curb cut on the 188 South Champlain Street parcel, leading to a newly establishing parking area on the former 192 parcel.

(j) Pedestrian Access:

No change is proposed from the current building access from the public sidewalks. *P. 8 of the revised submission states a pathway to the tenant stairs is depicted on the updated site plan on the northeast side of the parking area. This is really an extension of pavement and directly abuts a vehicular back-up area. Any pathway should be painted, designed or segregated by some method to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety.*

(k) Accessibility for the Handicapped:

ADA compliance is under the jurisdiction of the building inspector. If six units spurs the requirement for a handicap accessible parking space, an access aisle of 5' in width will need to be added and marked in the parking area.

(l) Parking and Circulation:

In the Neighborhood Parking District, 2 parking spaces are required for every residential unit. 6 units will require 12 on-site parking spaces. *The revised site plan, illustrating 6 parking spaces accompanies a request for a 50% parking waiver.* All parking spaces are dimensioned for compact cars (8' x 18' length.) The required 20' of backup space is provided.

The minimum required 5' parking setback is provided from the south property line.

This standard states: *To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of way.*

Screening has been provided on the front (west) facing the street, but will be required of the south (side) property boundary as well, to prevent headlight trespass onto neighboring property.

Although the empty side yard can accommodate the required 12 parking spaces (2/unit), the applicant requests a 50% parking waiver as a reflection of the 6 one-bedroom units, and a desire not to pave such a large portion of the yard.

The parking area is identified as gravel. To avoid "parking creep" and vehicular pull of gravel out into the street, the parking lot should be paved and parking spaces clearly marked. The perimeter of the parking area must be designed with curb stops, landscaping, or other such physical barrier to prevent vehicles from encroaching into adjacent green spaces and into required setbacks.

This standard also requires shading of 30% of the parking area. *The existing Maple tree may effectively provide this required shade of the (now reduced proposed) parking area.*

The revised plans define a bike rack behind the building. The bicycle parking should be located along a pedestrian route to a building entrance to be easily accessible for tenants. Relocation of the bike rack to meet this standard is required.

(m) Landscaping and Fences:

No landscaping plan has been provided. Screening will be required for the parking area. See 6.2.2 (l), above.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

The submission include a fixture spec sheet for a wall mounted residential fixture. The location of these installations **is now identified on a revised plan.**

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

The location of mailboxes **is now** identified on the plans. **Mechanical equipment, now proposed for the northeast corner of the building, must meet a required 5' setback from the property boundary.**

*Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. **Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.***

Revised plans include retention of the shed, with an extension on the north side as a trash enclosure. This extension must meet the required 5' property line setback, and be enclosed on all four sides to prevent the blowing of trash and recycling.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

See note above about mechanical equipment.

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The existing building will remain, with a newly design access deck on the east and south.

2. Roofs and Rooflines.

The existing building will remain. **The newly designed two story porch will have no roof on the second floor, but the extended access stairway is required to have a roof.**

3. Building Openings

All windows are proposed for replacement; some are double hung and others casement. Although one specification sheet defines “Wood casement”, the cross section illustrates voids in the window frame, sill and apron, suggesting a composite structural material. Confirmation of **solid wood core windows**, and casement windows with a strong meeting rail to visually replicate a double hung window, will be required.

At least 3 of the windows will be replaced with doors to access new units.

(b) Protection of Important Architectural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

Aside from the replacement of the third-floor gable end window, the primary façade will remain intact. Care must be exercised in this particular window replacement so as not to alter the character of this state-registered listed historic building.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The revised plan for a two-story porch differs little from the original application. A detail on p. 5 of the revision illustrates the addition of “stone post footings”. The applicant understands that visually accessible components of the porch cannot be pressure treated wood, which is reserved for structural frame and not appropriate for exposed porch elements. Otherwise, with triple horizontal barrier rails and plain square narrow posts, the new design has fallen short of the DAB’s recommendation to design a two story porch compatible with the existing historic building.

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of *Article VI. Energy Conservation, Section 8* of the City of Burlington code of Ordinances.

(g) Make advertising features complementary to the site:

No signs are included in this review. Any signage will require a separate sign permit.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

As a three story residential building, the building inspector has indicated that the building will need to be fully sprinklered. **The applicant has confirmed the requirement.**

Construction shall meet all applicable building and life safety codes as defined by the building inspector and/or fire marshal.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington’s historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington’s historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city’s historic growth and development, and maintaining the city’s sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

188 South Champlain Street is listed within the original **King Street / Battery Street Historic District** on the National Register of Historic Places. See attached detail sheet.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The property was constructed as a residential building; a use that is proposed to be continued.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The structure is characterized by its Queen Anne detailing. Alteration of its features, materials, spatial arrangements or design will diminish the historic character of the building. **Although revised in plan, the extremely large two story deck with modern barrier rails and posts threatens to alter the building's character (as it will be visible from the right-of-way from the south.)**

Similarly, replacement windows should match the visual characteristics of the original windows, including size and configuration. **P. 11 of the revised submission package indicate that solid wood core windows with a factory adhered strong meeting rail (for egress windows) will be provided. This will need to be confirmed with submission of spec sheets.** Fiberglass replacement doors are not in character with the age and character of the historic home. If new doors are introduced, they should appear as if they were originally intended for that location, and be of a material and design consistent with the style of the house.

Corrected interior floor plans have been provided at the request of the Design Advisory Board. See p. 12.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The doors are modern in manufacture and appearance, and have no relationship to the age and style of the home. **The Design Advisory Board has recommended that the proposed deck be redesign as a two-story porch to aid in its compatibility with the historic building. See p. 5.**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Much of the alteration will be internal. The window replacements should visually replicate the existing windows. Clapboard, shingles and window casings shall be retained.

With the extension of the roof over the access stairway, the applicant requests removal of approximately 10 sq. ft. of slate and replacement of shingles. This is an unfortunately loss of historic fabric, and not supported.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

As noted, window replacements **must** be wood core, and visually replicate the existing 1/1 windows.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are identified.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archeological resources have been identified at this location.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

As noted, the DAB recommended redesign of the deck as a two-story porch. The results of that effort are on p. 5 of the new submission.

Even as the introduction of three new doors are modestly arranged within existing building openings, the concatenation of discrete alterations (window replacement, new decks and walkways, modern doors, expansion of paving) collectively has the potential to significantly alter the historic character of the home. **The reduction in paving for parking, and the effort to redesign the access porch have the potential to ameliorate those collective changes.**

The request for a 50% parking waiver from the DRB will result in much less paving in the side yard, and more green space for tenant enjoyment. Given the use (6 one-bedroom apartments), such a request is reasonable.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Although unlikely, the window replacement, door insertion, and large porch could be removed in the future to restore the building to its original layout and appearance.

Items for the Board's consideration:

- The parking area shall be paved and surrounded by curb stops to prevent parking creep. Parking spaces shall be marked and identified.
- Corrected window specification and cut sheets shall be provided to staff to confirm wood core windows.
- The Design Advisory Board is encouraged to reflect on the selection of door replacement.
- Functional Family provisions of the ordinance shall apply. Not more than four unrelated adults may occupy any unit.
- All building and life safety codes, as defined by the building inspector and fire marshal, shall apply. Per the building inspector's direction, full structural sprinklering may be required.
- As the application proposes at least five new residential units, at least one unit shall be identified as an Inclusionary (affordable) residential unit. The applicant is encouraged to consult with the Housing Trust Fund Manager in the Community and Economic Development Office for further guidance.
- The bicycle rack shall be relocated to be in proximity to a pedestrian path to resident entry. For six units, at least **3 long term spaces** (one for every two bedrooms) and **1 short term space** (1/10 units) are required. Long term spaces are typically provided indoors or in lockable enclosures to protect the bicycles during long term storage.
- Provide landscaping on the south side of the proposed parking area to prevent headlight trespass onto neighboring property.
- The resident walkway should be painted, designed or segregated by some method to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety.
- Mechanical equipment, now proposed for the northeast corner of the building, must meet a required 5' setback from the property boundary.
- Revised plans include retention of the shed, with an extension on the north side as a trash enclosure. This extension must meet the required 5' property line setback, and be enclosed on all four sides to prevent the blowing of trash and recycling.